



Real Estate Department

Work Order No.: A0004389
Project Name: Bloomfield-Wixom
Business Unit: ITCT

Date: February 19, 2018
To: Records Center
From: Margaret Wessel Walker
Mwalker@itctransco.com
Real Estate
Subject: Vegetation Management Easement
Tax ID: 17-32-427-008
Site ID: 744

Attached are the documents related to the acquisition of a vegetation management easement dated November 17, 2016 to International Transmission Company (ITC) from David G. and Carol D. Giordano, whose address is 2350 Wenona Dr, Wixom, MI 48393.

The easement is located in Section 32, Commerce Township, Oakland County, MI.

The easement consideration was \$26,855.00

The acquisition was negotiated by Zausmer, Kaufman, August & Caldwell.

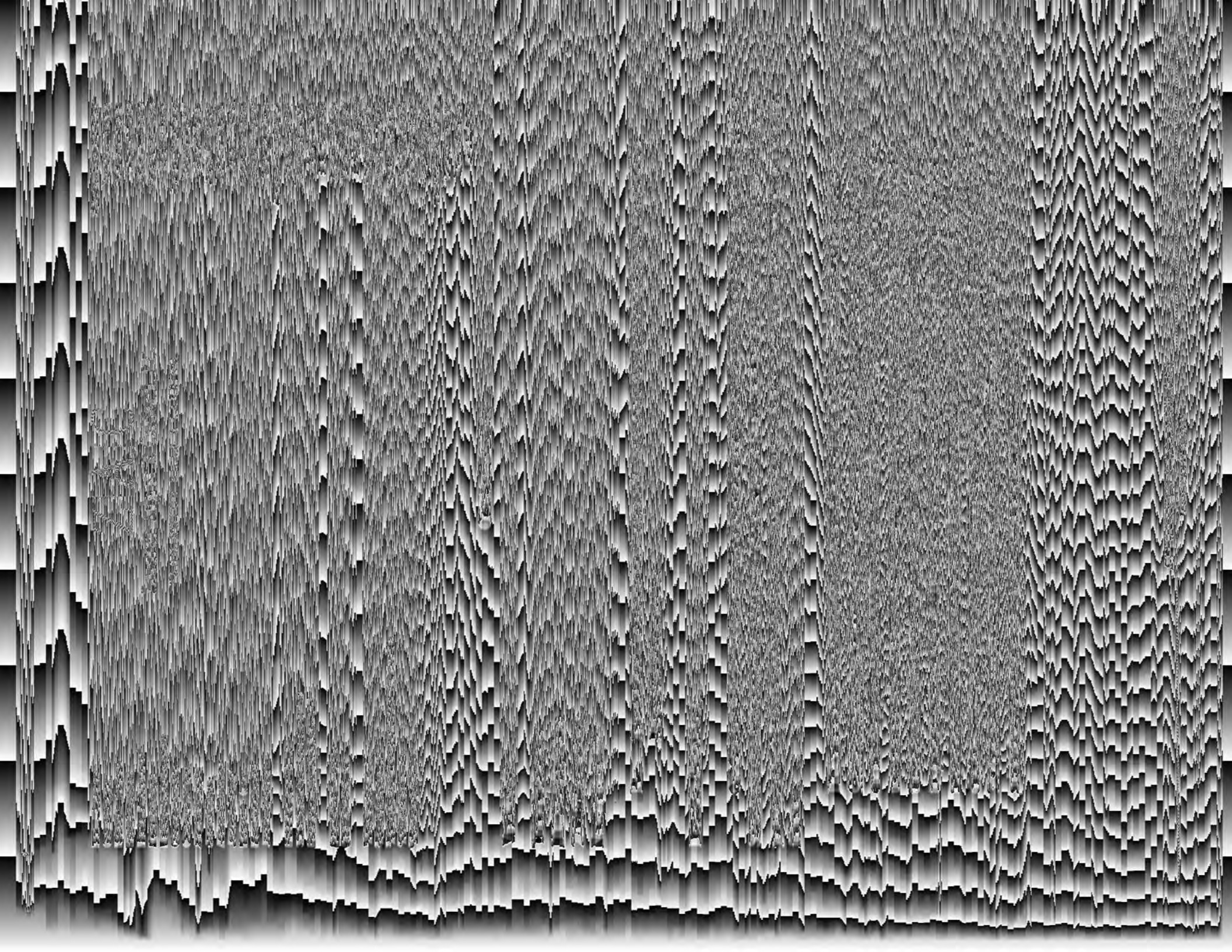
Please incorporate into Right of Way File No(s): T73318 and cross reference with Right of Way File No.: R4795

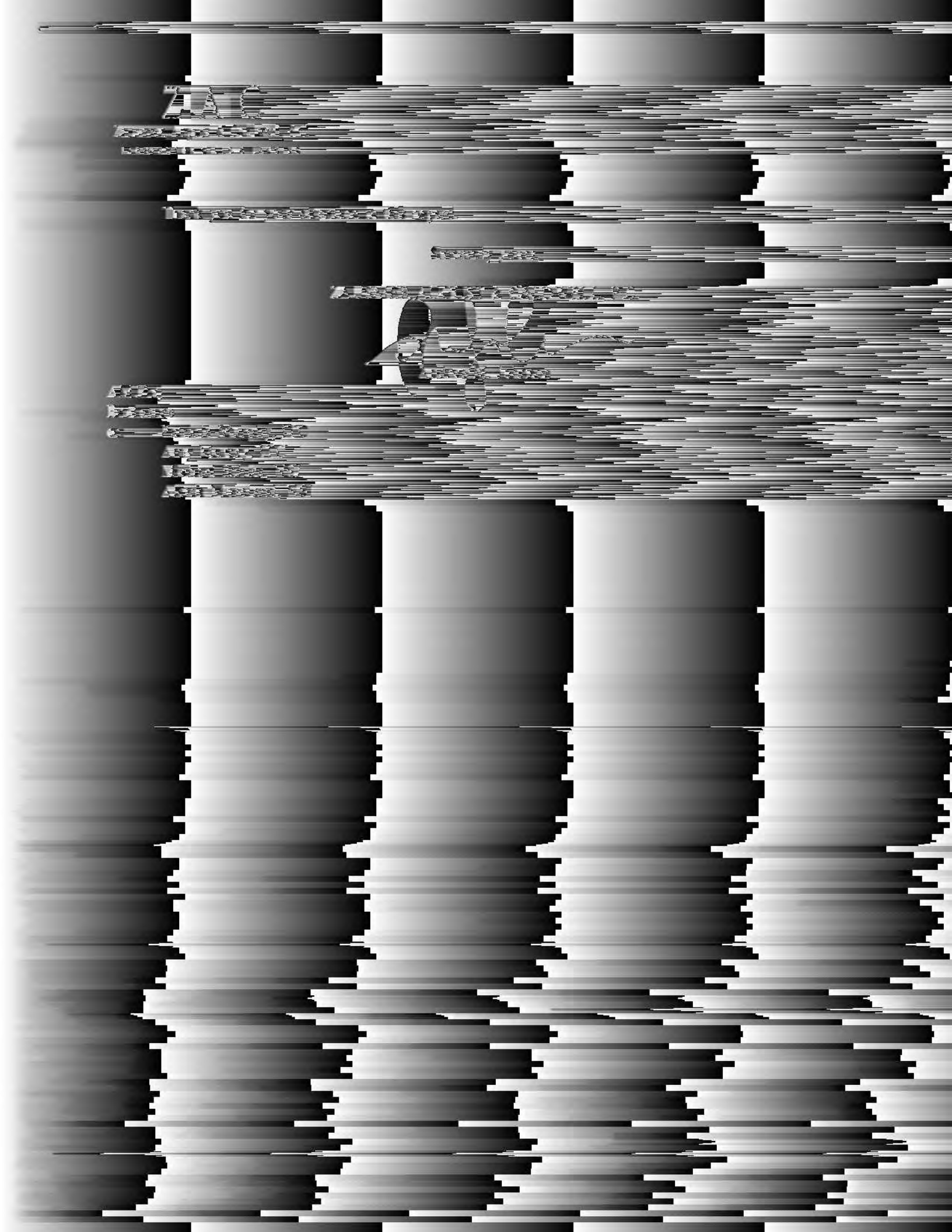
Attachments

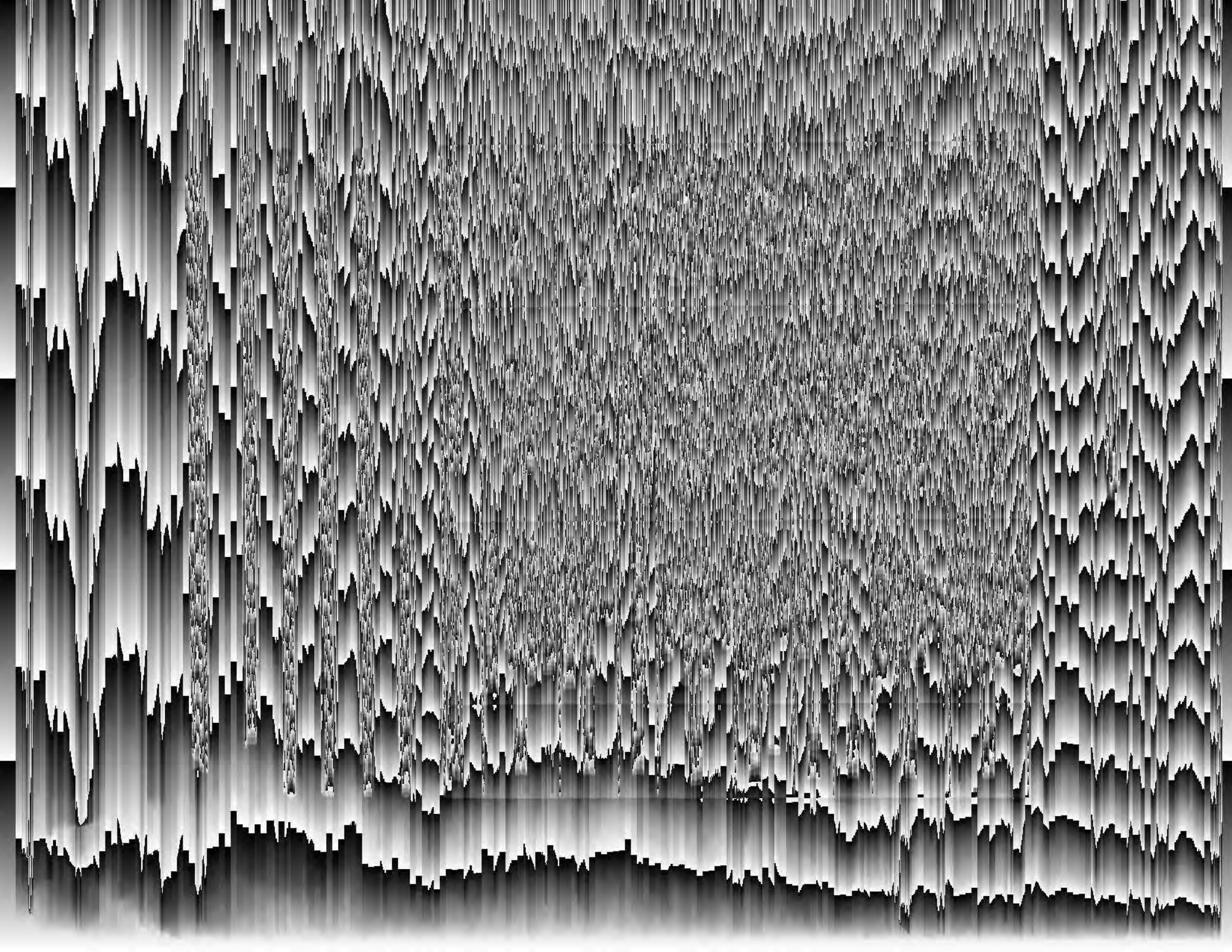
CC:

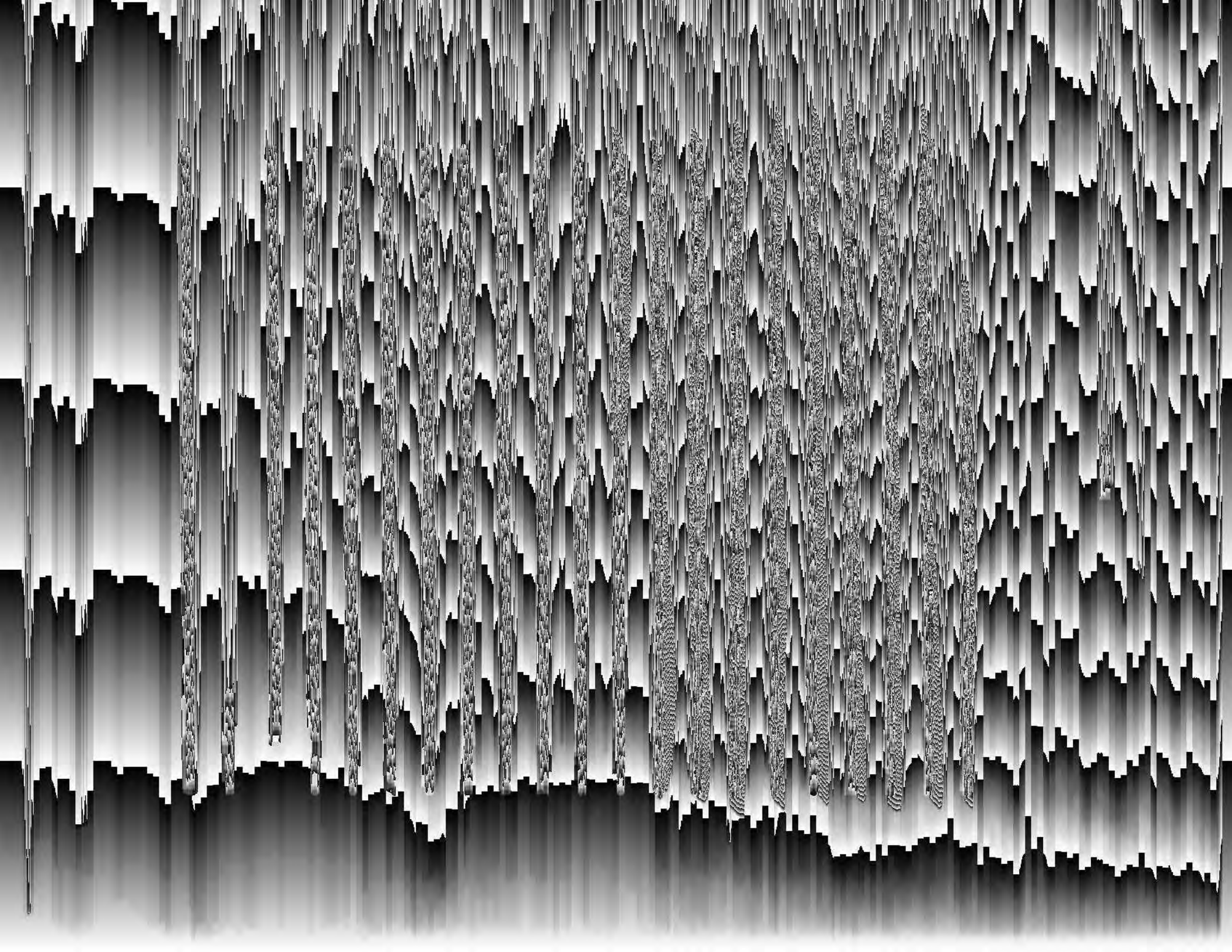
J. Andree
M. Ely
R. Everett
A. Fagan
S. Gagnon
J. Gruca

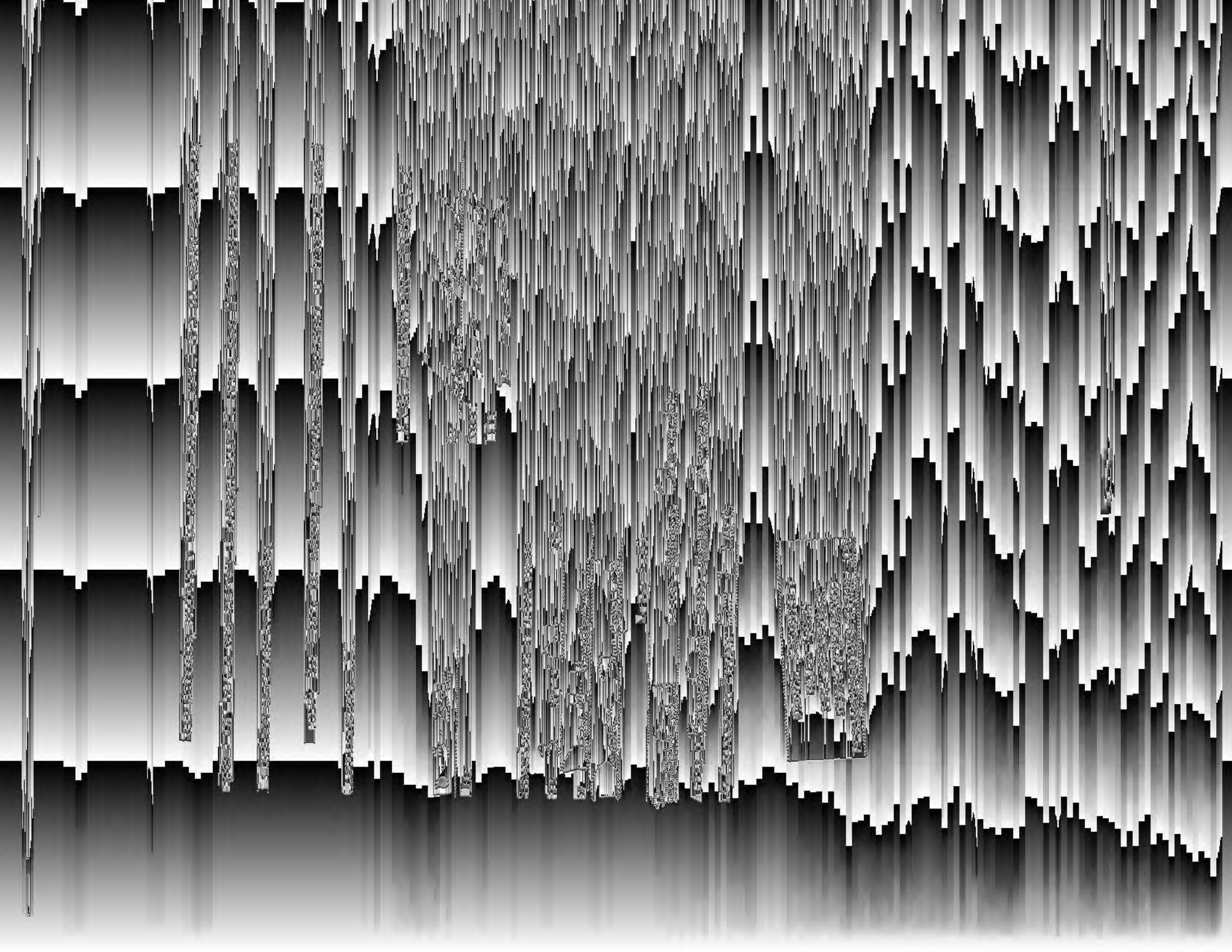
C. Scott
A. Snow
N. Spencer
M. Yoders
Fixedassetsgroup@itctransco.com











Mark J. Zausmer
Gary K. August
Michael L. Caldwell
Heidi D. Hudson
Mischa M. Boardman¹
Nicole M. Wright
Matthew G. McNaughton
Cameron R. Getto
Cinnamon A. Rice
Amy Sitner Applin
Jason W. Baas
Andrea M. Johnson
James C. Wright²
Michael D. Crow
Marc D. McDonald¹
Jeremy M. Mullett
April E. Moore
Bryan R. Padgett

FARMINGTON HILLS
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334-2374
(248) 851-4111 phone
(248) 851-0100 fax

¹Also Admitted in IL
²Also Admitted in OH
³Also Admitted in KY
⁴Also Admitted in MA and District of Columbia
⁵Also Admitted in NY
⁶Also Admitted in CA

Of Counsel: Emily K. Neuberger¹

Z | A | C
Zausmer, August & Caldwell, P.C.
FARMINGTON HILLS & LANSING

Nicholas J. Assenmacher
Scott M. Assenmacher
Thomas T. Bearse
Theresa A. Bodwin
Christopher A. Chesney
Ryan R. Clark
Kaitlyn A. Cramer
Randi M. Davis
Danielle R. DePriest
Cristy M. DeVos¹
Kaitlin C. Dodge
Melissa A. Durity
John S. Gilliam³
Paige E. Gross
Steven J. Hurvitz⁴
Daniel I. Jedell⁵
Jessica G. Kingston
Janetta A. Ksar
Timothy M. Kubik
Michael L. Kuper
Frederick V. Livingston
Colin B. Macbeth
Alexis A. Martin⁶
Daniel J. McCarthy
Katharine G. McCarthy
Shaun M.J. Neal
Elizabeth J. Ollgaard
A. Adam Post, II
Elizabetha Rumery¹
Vincent C. Sallan
Jason M. Schneider
Michael A. Schwartz
Daniel P. Steele, Jr.
Devin R. Sullivan¹
Kyle A. Warwick
Lauren M. Wawrzyniak
Daniel P. Webber
Tali F. Wendrow
Kyle T. Zwiren

February 13, 2017

Via Email and Hand-Delivery

Steven Cooper
ITC Holdings Corp
27175 Energy Way
Novi, MI 48377

RE: International Transmission Company, d/b/a *ITCTransmission*
vs. David G. and Carol D. Giordano
Case No. 16-154781-CC
Our Reference No.: 1054-19 BW-744

Dear Mr. Cooper,

Please be advised this matter has been resolved by way of entry of a Stipulated Order Waiving Necessity, Confirming Title, Transferring Possession, and for Other Relief. Enclosed is the original Order for your file together with the chart outlining the details of the settlement.

Thank you for your attention in this regard.

Sincerely yours,

ZAUSMER AUGUST & CALDWELL, P.C.


Mischa M. Boardman

MMB/hjt
Enclosures

Z | A | C

Zausmer, August & Caldwell, P.C.

FARMINGTON HILLS & LANSING

cc: Patricia Murphy (via E-Mail)
Amy Murray (via E-Mail)
Michael Schira (via E-Mail)
Alexia Moreland (via E-Mail)

BLOOMFIELD-WIXOM

Recorded Stipulated Order Waiving Necessity, Confirming Title, Transferring Possession and for Other Relief

Parcel No.	Owners Name	Property Address	Tax Id	Liber/Page of Recorded Document	EJC	Additional Settlement Proceeds	Side Letter
BW-744	David G. Giordano Carol D. Giordano	2350 Wenona Drive Wixom, MI 48393	17-32-427-008	L50116 P779	\$21,855.00	\$5,000.00	No

Received for Filing Oakland County Clerk 2016 NOV 18 PM 01:46

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

226047
LIBER 50116 PAGE 779
424-00 MISC RECORDING
11/29/2016 12:28:13 P.M. RECEIPT# 143268
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

INTERNATIONAL TRANSMISSION
COMPANY, d/b/a *ITCTransmission*, a
Michigan corporation,

Civil Action No. 16-154781-CC

Plaintiff,

Hon. Daniel P. O'Brien

vs.

Parcel No.: BW-744

DAVID G. GIORDANO; CAROL D.
GIORDANO; DISCOVER HOME LOANS,
INC.; JP MORGAN CHASE BANK NA;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS AS NOMINEE
FOR DISCOVER HOME LOANS, INC.
AND ITS SUCCESSORS AND ASSIGNS;
LEVEL 3 COMMUNICATIONS; MCI
COMMUNICATIONS SERVICES, INC.;
CONSUMERS ENERGY COMPANY; DTE
ELECTRIC COMPANY; DTE GAS
COMPANY; CITY OF WIXOM;
MICHIGAN BELL TELEPHONE
COMPANY; KEATING INTERNATIONAL
CORPORATION; and WALLED LAKE
CONSOLIDATED SCHOOL DISTRICT,

**STIPULATED ORDER SETTING ASIDE
DEFAULTS OF DEFENDANTS DAVID
AND CAROL GIORDANO AND
MORTGAGE ELECTRONIC
REGISTRATIONS SYSTEMS, INC. AS
NOMINEE FOR DISCOVER HOME
LOANS, INC. AND ITS SUCCESSORS
AND ASSIGNS, ONLY, WAIVING
NECESSITY, CONFIRMING TITLE,
TRANSFERRING POSSESSION AND
FOR OTHER RELIEF**

Defendants.

Mischa M. Boardman (P61783)
Andrea M. Johnson (P67522)
ZAUSMER AUGUST & CALDWELL, P.C.
Attorneys for International Transmission
Company, d/b/a *ITCTransmission*
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334
(248) 851-4111

Dennis M. Barnes (P39401)
BARRIS SOTT DENN & DRIKER PLLC
Attorney for David and Carol Giordano
333 W. Fort Street, Ste. 1200
Detroit, MI 48226-3150
(313) 965-9725

Douglas J. Fryer (P51765)
Stephen R. Estey (P53262)
DYKEMA GOSSETT PLLC
Attorneys for International Transmission
Company, d/b/a *ITCTransmission*
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304
(248) 203-0700

Kevin C. Majewski (P79292)
TROTT LAW, P.C.
Attorney for Defendants JP Morgan Chase
Bank, N.A. and Mortgage Electronic
Registration Systems, Inc., as nominee for
Discover Home Loans, Inc., and its successors
and assigns
31440 Northwestern Highway, Suite 200
Farmington Hills, MI 48334
(248) 723-6476

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2016 NOV 29 PM 12:16

10P

OK-LB

STIPULATED ORDER SETTING ASIDE DEFAULTS OF DEFENDANTS DAVID AND CAROL GIORDANO AND MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., AS NOMINEE FOR DISCOVER HOME LOANS, INC. AND ITS SUCCESSORS AND ASSIGNS, ONLY, WAIVING NECESSITY, CONFIRMING TITLE, TRANSFERRING POSSESSION AND FOR OTHER RELIEF

At a session of the Court held in the County of Oakland,
State of Michigan, on NOV 17 2016

PRESENT: Hon. Daniel P. O'Brien

This matter is before the Court on a Complaint for Condemnation filed by Plaintiff International Transmission Company, d/b/a *ITCTransmission* ("*ITCTransmission*"), for the acquisition of a Vegetation Management Easement ("*Easement*") on certain private property located at 2350 Wenona Dr., Wixom, Oakland County, Michigan, having Tax Identification No. 17-32-427-008 (the "*Property*") and the Court being fully advised in the premises:

WHEREAS, on August 29, 2016, *ITCTransmission* filed a Complaint For Condemnation ("*Complaint*") seeking a Vegetation Management Easement;

WHEREAS, pursuant to MCL 213.55(5), *ITCTransmission* deposited certain funds in the amount of \$21,855.00 in escrow with Liberty Title Agency, Inc., ("*Escrow Agent*"), representing what *ITCTransmission* has alleged in the Complaint as the Estimated Just Compensation ("*Escrow Funds*" and/or "*Estimated Just Compensation*") payable herein;

WHEREAS, none of the Defendants in this matter filed a motion challenging necessity as required by MCL 213.56(1) and therefore, pursuant to MCL 213.57(1) and applicable case law, the right for the Defendants in this action to file such a challenge was waived;

WHEREAS, Consent Judgments have been entered against Defendants Consumers Energy Company, DTE Electric Company, DTE Gas Company, and Michigan Bell Telephone Company, and the Judgments state that those Defendants are not entitled to any just compensation in this action;

WHEREAS, Defendants the City Of Wixom and Level 3 Communications, LLC were dismissed voluntarily from this action;

WHEREAS, Defendants Keating International Corporation, Discover Home Loans, Inc., MCI Communications Services, Inc., and, Walled Lake Consolidated School District have all been defaulted;

WHEREAS, Defendants Carol D. Giordano, David G. Giordano, Mortgage Electronic Registration Systems, Inc. as nominee for Discover Home Loans, Inc. and its successors and assigns, and JP Morgan Chase Bank, N.A. ("Remaining Defendants") have agreed to the relief in this Order:

IT IS ORDERED AND ADJUDGED:

1. The defaults entered against David G. Giordano and Carol D. Giordano on October 4, 2016 and the default entered against Mortgage Electronic Registration Systems, Inc., as nominee for Discover Home Loans, Inc., and its successors and assigns, on October 14, 2016, are hereby set aside.

2. Title to those rights in the real property described in the Vegetation Management Easement attached as Exhibit A is hereby confirmed to have vested with *ITCTransmission* on August 29, 2016, the date the Complaint was filed.

3. Physical possession of the property rights as set forth in the Easement is surrendered to *ITCTransmission* as of the date of entry of this Order.

4. Within 14 days from the date of entry of this Order, and upon the receipt by *ITCTransmission* and the Escrow Agent of properly executed Form W-9s by the Remaining Defendants the Escrow Agent shall release the Escrow funds and issue a check made payable to the Remaining Defendants in such amounts as hereinafter determined, ordered and apportioned by the Court.

5. The terms of this Order do not waive or limit the rights of the Remaining Defendants to seek just compensation as provided in the Uniform Condemnation Procedures Act, MCL 213.51, et. seq. ("UCPA").

6. Upon entry of this Order, *ITCTransmission* may record this Order with the Oakland County Register of Deeds.

THIS ORDER DOES NOT RESOLVE THE LAST PENDING CLAIM NOR CLOSE THIS CASE.

/S/Daniel Patrick O'Brien
Hon. Daniel P. O'Brien
MRS

STIPULATION

I approve the form and stipulate to entry of the above Judgment.

ZAUSMER, AUGUST & CALDWELL, P.C.

BARRIS SOTT DENN & DRIKER PLLC

/s/ Andrea M. Johnson
Mischa M. Boardman (P61783)
Andrea M. Johnson (P67522)
Attorneys for International Transmission
Company, d/b/a *ITCTransmission*

/s/ Dennis M. Barnes (w/Consent)
Dennis M. Barnes (P39401)
Attorney for David and Carol Giordano

TROTT LAW, P.C.

/s/ Kevin C. Majewski (w/Consent)
Kevin C. Majewski (P79292)
Attorney for Defendant JP Morgan Chase
Bank, N.A. and and Mortgage Electronic
Registration Systems, Inc. as nominee for
Discover Home Loans

STATE OF MICHIGAN } ss.
COUNTY OF OAKLAND }

I LISA BROWN, County Clerk for the County of Oakland, Clerk of the Circuit Court thereof, the same being a Court of Record and having a Seal, hereby certify that the attached is a true copy.

BW-744

In Testimony whereof, I have hereunto set my hand and placed the Seal of said Court this NOV 29 2016

LISA BROWN - Clerk/ Register of Deeds
Lisa Brown Deputy Clerk

STIPULATED ORDER SETTING ASIDE DEFAULTS OF DEFENDANTS DAVID AND CAROL GIORDANO AND MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC. AS NOMINEE FOR DISCOVER HOME LOANS, INC. AND ITS SUCCESSORS AND ASSIGNS, ONLY, WAIVING NECESSITY, CONFIRMING TITLE, TRANSFERRING POSSESSION AND FOR OTHER RELIEF

EXHIBIT A

VEGETATION MANAGEMENT EASEMENT

On _____, 20___, for good and valuable consideration, the receipt of which is hereby acknowledged, _____ (“Grantor”) whose address is _____, conveys and warrants to International Transmission Company, a Michigan corporation, of 27175 Energy Way, Novi, Michigan 48377 (“Grantee”), its successors and assigns, a permanent easement (“Easement”) over, under, across and through a part of “Grantor’s Land” referred to as the “Easement Area” and/or the “Easement Description,” all of which are described on Exhibit “A” attached hereto.

1. **Purpose:** The purpose of this Easement is to provide Grantee with the perpetual right to enter at all times upon Grantor’s Land to cut, trim, remove, destroy or otherwise control any or all trees, bushes or brush now or hereafter standing or growing within the Easement Area.
2. **Restoration:** Within a reasonable time after performing any work pursuant to this Easement, Grantee shall clean up the Easement Area in accordance with best management practices for utility rights of way.
3. **Limited Use; Nonuse:** Nonuse or limited use of the rights herein granted shall not prevent later use to the full extent herein conveyed.
4. **Existing Rights:** Nothing contained in this Easement shall be construed as releasing or impairing any rights or privileges which may have been granted to, acquired by, or which already exist in favor of, Grantee or The Detroit Edison Company relative to the Easement Area or the Grantor’s Land as described on the attached Exhibit “A.”
5. **Damage Repair:** Grantee shall pay for any actual damage to Grantor’s Land or Grantor’s personal property resulting from Grantee’s exercise of any of Grantee’s rights under this Easement. Notwithstanding the foregoing, at no time shall Grantee be responsible for any damage to the extent that such damage results in whole, or in part, from Grantor’s negligence. The term actual damage as used in this section is not intended to, nor does it, include damage to vegetation within the Easement Area as contemplated in paragraph 1.
6. **Successors:** This Easement runs with the land and binds and benefits Grantor’s and Grantee’s successors and assigns.

This Easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

(Grantor’s signature and acknowledgement appear on the following page.)

GRANTOR

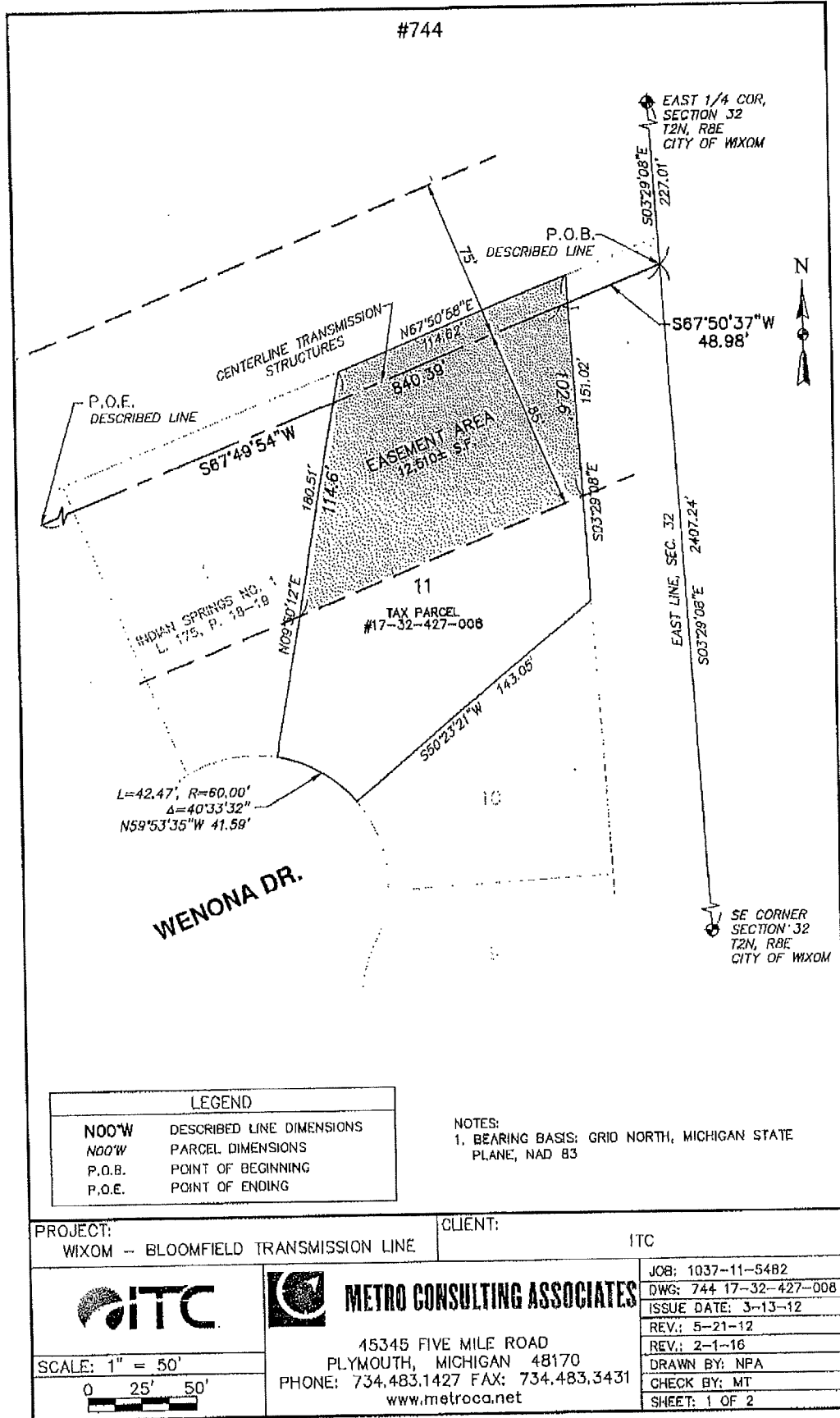
Acknowledged before me in _____ County, Michigan, on this ____ day of _____, 20__, by _____

_____, Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires _____

Drafted by:
Patricia Murphy (P61872)
ITC Holdings Corp.
27175 Energy Way
Novi, MI 48377

When recorded return to:
NSI Consulting & Development
24079 Research Drive
Farmington Hills, MI 48335

EXHIBIT "A"
DESCRIPTION OF "GRANTOR'S LAND,"
"EASEMENT AREA" AND "EASEMENT DESCRIPTION"



LEGEND	
N00°W	DESCRIBED LINE DIMENSIONS
N00°W	PARCEL DIMENSIONS
P.O.B.	POINT OF BEGINNING
P.O.E.	POINT OF ENDING

NOTES:
1. BEARING BASIS: GRID NORTH, MICHIGAN STATE PLANE, NAD 83

PROJECT: WIXOM -- BLOOMFIELD TRANSMISSION LINE		CLIENT: ITC
		JOB: 1037-11-5482
		DWG: 744 17-32-427-008
SCALE: 1" = 50'		ISSUE DATE: 3-13-12
0 25' 50'		REV.: 5-21-12
45345 FIVE MILE ROAD PLYMOUTH, MICHIGAN 48170 PHONE: 734.483.1427 FAX: 734.483.3431 www.metroca.net		REV.: 2-1-16
		DRAWN BY: NPA
		CHECK BY: MT
		SHEET: 1 OF 2



GRANTOR'S LAND *17-32-427-008*

Lot 11, of Indian Springs Subdivision No. 1, according to the plat thereof recorded in Liber 175 of Plats, Pages 18 and 19, Oakland County Records.

EASEMENT DESCRIPTION:

All that part of the above described Grantor's Parcel which lies within Eighty-Five (85) feet South of and Seventy-Five (75) feet North of the following described line:

Commencing at the East 1/4 corner of Section 32, Town 2 North, Range 8 East, City of Wixom, Oakland County, Michigan; thence S03°29'08"E 227.01 feet along the East line of said Section 32 to the POINT OF BEGINNING of said line; thence S67°50'37"W 48.98 feet; thence S67°49'54"W 840.39 feet to the POINT OF ENDING of said line.

PROJECT: WIXOM -- TRANSMISSION LINE		CLIENT: ITC	
		METRO CONSULTING ASSOCIATES 45345 FIVE MILE ROAD PLYMOUTH, MICHIGAN 48170 PHONE: 734.483.1427 FAX: 734.483.3431 www.metroca.net	
		JOB: 1037-11-5482 DWG: 744 17-32-427-008 ISSUE DATE: 3-13-12 REV: 5-21-12 REV: 2-1-16 DRAWN BY: NPA CHECK BY: MT SHEET: 2 OF 2	

